

Senate Bill No. 1022

Passed the Senate August 19, 2003

Secretary of the Senate

Passed the Assembly July 24, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Title 2.97 (commencing with Section 1812.700) to Part 4 of Division 3 of the Civil Code, relating to debt collection.

LEGISLATIVE COUNSEL'S DIGEST

SB 1022, Perata. Debt collectors.

Existing law prohibits certain actions by debt collectors in connection with the collection of consumer debts.

This bill would, beginning July 1, 2004, require 3rd-party debt collectors to provide notice to debtors, with the first written notice sent to a California address of the debtor in connection with the collection of a debt, that sets forth the debtor's rights, as specified, under the federal Fair Debt Collection Practices Act. A debt collector who fails to provide that notice would be liable for actual damages and a civil penalty under specified provisions of existing law.

The people of the State of California do enact as follows:

SECTION 1. Title 2.97 (commencing with Section 1812.700) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 2.97. CONSUMER COLLECTION NOTICE

1812.700. (a) In addition to the requirements imposed by Article 2 (commencing with Section 1788.10) of Title 1.6C, third-party debt collectors subject to the federal Fair Debt Collection Practices Act (15 U.S.C. Sec. 1692 et seq.) shall provide a notice to debtors that shall include the following description of debtor rights:

“The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not



receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.”

(b) The notice shall be included with the first written notice initially addressed to a California address of a debtor in connection with collecting the debt by the third-party debt collector.

(c) If a language other than English is principally used by the third-party debt collector in the initial oral contact with the debtor, a notice shall be provided to the debtor in that language within five working days.

1812.701. (a) The notice required in this title may be changed only as necessary to reflect changes under the federal Fair Debt Collection Practices Act (15 U.S.C. Sec. 1692 et seq.) that would otherwise make the disclosure inaccurate.

(b) The type-size used in the disclosure shall be in at least the same type-size as that used to inform the debtor of his or her specific debt, but is not required to be larger than 12-point type.

1812.702. Any violation of this act shall be considered a violation of the Rosenthal Fair Debt Collection Practices Act (Title 1.6C (commencing with Section 1788)).

SEC. 2. The provisions of this act shall become operative on July 1, 2004.



Approved _____, 2003

Governor

